

REMARKS

The April 16, 2007 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. The independent claims have been amended to more clearly distinguish over applied art; and several new dependent claims have been added to recite additional distinctions. For reasons discussed below, it is believed that all issues raised in the Action are addressed by this response and as a result this case is now in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

In amending the claims above, care has been taken to avoid entry of new matter. The independent claims have been amended to recite a return mode flag and that the restoring function occurs when the flag indicates automatic return and the expiration date/time has passed. An example of such a flag is shown at 11 in FIG. 1. Automatic restoration based on the flag and expiration is discussed in the original application text, for example, in the paragraph bridging pages 16 and 17. Attention is directed to steps S010 to S013 in FIG. 4 for an example of disclosure in support of new claim 19. Attention is directed to FIG. 14 and the discussion thereof in the detailed description for an example of disclosure in support of new claim 20. Attention is directed to FIG. 15 and the discussion thereof in the detailed description for an example of disclosure in support of new claim 21. FIG. 11 for example shows steps for processing where the temporary license, which has been automatically returned by the server, is later returned by the terminal, as may support new claim 22. Hence, it is believed that the amendments to the independent claims and the presentation of new claims 19-22 do not raise any issues of new matter and find adequate descriptive and enabling support in the original application.

At the time of the Action, claims 1, 2, 4-8 and 12-18 were pending (claims 3 and 9-11 had been cancelled). The Office Action rejected claims 1-18 (including cancelled claims) under 35 U.S.C. §103 as unpatentable over U.S. Publication No. 2003/0005135 to Inoue et al. (hereinafter Inoue) in view of U.S. Publication No. 2004/0044901 to Serkowski et al. (hereinafter Serkowski). It is respectfully submitted that this rejection should be withdrawn on the ground that all of the now pending claims (1, 2, 4-8 and 12-22) patentably distinguish over the proposed combination of Inoue and Serkowski.

Each of the independent claims (1, 2 and 16) now recites that the server includes a second memory unit and a return control section. The second memory unit stores an expiration date/time and a return mode flag. The return mode flag indicates either automatic return or that a return is required. In a case where the flag indicates automatic return, then the return control section automatically restores the second license to a return state, when the expiration date/time for the terminal has passed. The return control section restores the number of simultaneous license issues when it automatically restores to the second license to its return state.

By way of example, the relevant paragraphs of claim 2 recite:

a second memory unit for storing information on said second license which includes an expiration date/time for said terminal and a return mode flag which indicates automatic return or return required; and

a return control section for automatically restoring to a return state of said second license when said return mode flag indicates said automatic return and said expiration date/time for said terminal has passed, so that said issuance unit can issue said second license for another terminal; and

wherein said return control section restores number of simultaneous issues of said first license when said return control section automatically restores to said return state of said second license. (emphasis added)

Hence, a server can automatically return a second license (e.g. temporary license) even if no second license (temporary license) is returned from a terminal to the server within an

expiration date/time. As disclosed, the advantage is that after the automatic return/restoration, the server can then issue the second license (temporary license) again for another terminal.

It is respectfully submitted that the applied Inoue and Serkowski publications fail to teach the aspects of the claims as they relate to the return mode flag and the associated automatic return to restore the number of simultaneous license issues, as now clearly recited in the independent claims. Hence, any combination of Inoue and Serkowski fails to meet all of the requirements of the independent claims.

The rejection asserts that Inoue fails to disclose a second memory unit for storing information on the second license including an expiration date/time for the terminal and fails to disclose a return control section for automatically restoring the second license to a return state when the expiration date/time. Since there is no second memory and return control section for automatically restoring the second license to a return state, Inoue also fails to satisfy claim recitations regarding the return mode flag that indicates automatic return or that a return is required and recitations to the effect that the automatic restoring is performed when that flag signifies an automatic return.

The rejection relies on Serkowski for an alleged teaching of automatic return of a license upon expiration. However, it is submitted that Serkowski does not make up for the above noted deficiencies of Inoue, in particular, because Serkowski does not teach the automatic return of the license such as recited in the present independent claims. Serkowski discloses management of a state of the license according to a request from an external device from a license server, but does not teach that the license server automatically updates a return state of the license upon expiration. For example, the licensing state 204 in Fig. 2 and the licensing state 304 in Fig. 3 are updated according to a request from an installer 124 or a main depot 148 in Fig. 1 (see e.g. paragraphs 0040-0043).

The rejection cited paragraph 0038 of Serkowski, apparently for a disclosure of date/time. However, that paragraph discloses data regarding the date/time when an entry is generated. It should be noted, however, that the date/time when an entry is generated is different from an expiration date/time of the license for the terminal as in Applicants' claims. Although not specifically cited in the rejection, Serkowski does show an expiration date/time of the license in Fig. 5. The expiration date/time of the license, however, is only described as a format of the license in Serkowski (see paragraph 0049). It is not seen (and the rejection has not identified) where Serkowski teaches updating of the state of the license using the expiration date/time.

It is therefore submitted that Serkowski does not teach updating the state of the license without the request from a terminal (corresponding to installer 124 and main depot 148 of Serkowski) after the temporary license was issued. Hence, Serkowski does not teach automatic return when a return mode flag is appropriately set and the expiration date/time has passed.

As neither Inoue nor Serkowski discloses the automatic return of the license, the combination of Inoue nor Serkowski would not result in a server having "a return control section for automatically restoring to a return state of said second license...," when a return mode flag indicates automatic return, as recited in Applicants' amended independent claims. For at least these reasons, the proposed combination of Inoue and Serkowski does not satisfy the requirements of any of the pending claims; and all of the pending claims should be patentable over that combination as applied in the rejection. Applicants therefore submit that the art rejection should be withdrawn.

It is believed that this response addresses all issues raised in the April 16, 2007 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8603 KEG:apr
Facsimile: 202.756.8087
Date: August 15, 2007

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